

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF MARTIE CLARK, et al.,
Plaintiffs

Case No. 1:15-cv-512
Barrett, J.

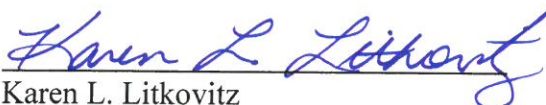
vs.

HAMILTON COUNTY, et al.,
Defendants

REPORT AND RECOMMENDATION

This matter is before the Court on “Plaintiffs’ Ex Parte Motion For Order Directing U.S. Marshal’s Service To Serve Summons And First Amended Complaint Upon The Defendants Pursuant To Rule 4(c)(3) Of The Federal Rules Of Civil Procedure.” (Doc. 3). In support of the motion, plaintiffs have submitted an *in forma pauperis* application signed by the co-administratrices of the Estate of Martie Clark purportedly on behalf of the estate. (Doc. 4). However, only a natural person may proceed *in forma pauperis* under 28 U.S.C. § 1915, *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 197 (1993), and an estate is not a natural person. See *In re Estate of Van Putten*, 553 F. App’x 328 (4th Cir. 2014) (per curiam) (denying estate’s request to proceed *in forma pauperis*, as “only a natural person may qualify for treatment *in forma pauperis*”); *Gray v. Martinez*, 352 F. App’x 656, 657-58 (3d Cir. 2009) (per curiam) (“Because an estate is not a natural person, it may not . . . proceed [*in forma pauperis*].”); *Estate of Bratton v. U.S. Justice Dep’t of Justice*, No. 5:15-cv-260, 2015 WL 5026163, at *3 (E.D.N.C. Aug. 25, 2015) (same). Therefore, it is **RECOMMENDED** that plaintiffs’ motion be **DENIED**.

Date: 10/27/15


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).